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PATENT

DAC

In re Patent Application of

Ritu Shrivastava et al.

Application No.: 08/654,615

Patent No. : 5,672,535

Filed: May 29, 1996

Issued: September 30, 1997

For: METHOD OF FABRICATING DRAM
CELL WITH SELF-ALIGNED
CONTACT

Confirmation No.: Unknown

Group Art Unit: 1107

Examiner: TSAI, H.

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FEB 27 2006

OFFICE OF PETITIONS

**PETITION UNDER 37 CFR 1.377 TO
WITHDRAW NOTICE OF PATENT
EXPIRATION OR, IN THE
ALTERNATIVE UNDER 37 CFR 1.182**

#13

353 Sacramento Street, Suite 2200
San Francisco, CA 94111
Telephone: (415) 772-4900
Facsimile: (415) 398-2890

M/S PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on February 21, 2006.
STALLMAN & POLLOCK LLP

Dated: 02/21/06

By: [Signature]

Lana T. Brenner

Sir:

On November 2, 2005, the Patent Office issued a Notice of Patent Expiration in the above-identified patent, stating that the payment of the second maintenance fee for the patent had not been timely received prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e).

As established in greater detail below, the patent owner submits that the second maintenance was, in fact, timely paid and that the Notice of Patent Expiration was issued in error.

Therefore, it is requested that the Notice of Patent Expiration be withdrawn, and that the patent be reinstated without being subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

07/05/2006 CKHLOK 00000006 501703 5672535

01 FC:1552 2300.00 DA

Atty Docket No.: ALNC-3310

Furthermore, since the evidence establishes that the Notice of Patent Expiration was issued due to Patent Office error, it is submitted that no fees should be due the patent owner for this petition to reinstate the patent.

However, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this patent by this firm) to our Deposit Account No. 50-1703, under Order No. ALNC-3310. **A duplicate copy of this Petition is provided herewith.**

As stated above, on November 2, 2005, the U.S. Patent Office issued a Notice of Patent Expiration in the above-identified patent, i.e. U.S. Patent No. 5,672,535, issued September 30, 1997 ('535 patent). A copy of the Notice of Patent Expiration is attached as Exhibit A.

The first maintenance fee for the '535 patent was due on March 30, 2001. Attached herewith as Exhibit B is a copy of the Maintenance Fee Statement issued by the U.S. Patent Office indicating that the first maintenance fee for the '535 patent was paid.

The second maintenance fee for '535 patent was due on March 30, 2005. Attached herewith as Exhibit C is a copy of Applicant's "Payment of Patent Maintenance Fee" document for the '535 patent, certified as having been deposited with the United States Postal Service on March 15, 2005. As indicated in the Payment of Maintenance Fee document, the U.S. Patent Office was authorized to charge Deposit Account No. 01-0886 the sum of \$2300.00 for payment of the second maintenance fee. Attached hereto as Exhibit D is a copy of Applicant's postcard receipt for the Payment of Maintenance Fee document, date stamped "MAR 19 2005" by the Patent Office, thereby providing *prima facie* evidence that the second maintenance fee for the '535 patent was paid no later than March 19, 2005, i.e. prior to the March 30, 2005 payment deadline.

Enclosed herewith as Exhibit E is a copy of the patent owner's April 29, 2006 Monthly Statement of Deposit Account No. 010886, verifying that the balance in the patent owner's deposit account on April 6, 2005 was \$11,538.00, more than sufficient funds to cover the \$2,300.00 payment of the second maintenance fee for the '535 patent as authorized in the Payment of Patent Maintenance Fee document.

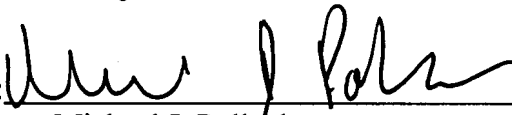
Based on the above evidence, Applicant restates its request that the November 2, 2005 Notice of Patent Expiration for the '535 patent be withdrawn and that the '535 patent be reinstated without being subjected to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

Should there be any questions regarding this matter, it is requested that the undersigned be contacted immediately at (415) 772-4900, ext. 102.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: 2-21-2006

By: 
Michael J. Pollock
Reg. No. 29,098

Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

ALNC-03310
EXHIBIT 4Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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1362LIMBACH & LIMBACH, LLP
60 E. SIR FRANCIS DRAKE BLVD.
SUITE 208
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NOTICE OF PATENT EXPIRATION

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According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, you may call the USPTO Contact Center at 800-786-9199 or 703-308-4357.

PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
5672535	08654615	09/30/97	05/29/96	09/30/05	- ALNC - 3310 TO MSP

ALNC is responsible for Maintenance Fee payments.

CAS



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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MAR 15 2001

STALLMAN & POLLOCK LLP

001362

M75L7

LIMBACH & LIMBACH, LLP
2001 FERRY BUILDING
SAN FRANCISCO CA 94111

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MAINTENANCE FEE STATEMENT

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 11, "STAT" below.

If a maintenance fee payment is defective, the reason is indicated by code in column 11, "STAT" below. **TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT(S) WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(h).**

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. **THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.**

ITEM NBR	PATENT NUMBER	FEE CDE	FEE AMT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY SML YR ENT	STAT
1	5,672,535	183	850	----	08/654,615	09/30/97	05/29/96	04 NO	PAID

ITM
NBR

1

ATTY DKT
NUMBER

ALNC-3310

DIRECT THE RESPONSE TOGETHER WITH ANY QUESTIONS ABOUT THIS NOTICE TO:
COMMISSIONER OF PATENTS AND TRADEMARKS, BOX M. FEE, WASHINGTON, D.C. 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent

Patent No. 5,672,535
Issue Date 09/30/1997

United States Patent and Trademark Office
P.O. Box 371611
Pittsburgh, PA 15250-1611

Application

Application No. 08/654,615
Filing Date 05/29/1996

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PAYMENT OF PATENT MAINTENANCE FEE
37 C.F.R. section 1.366

1. Enclosed is the payment of the maintenance fee for this patent.

2. Maintenance Fee

The fee payment is being made during the window period, and is for the after grant period of:

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. section 1.8(a)

☒ with sufficient postage as first class mail.

Date: 3-15-05

V.C. Whittier
Signature

V.C. Whittier
(type or print name of person certifying)

7-1/2 years (37 C.F.R. section 1.20(f))

\$2,300.00

(Fee Code 1552)

Fee due: \$2,300.00

TOTAL FEE BEING PAID

\$2,300.00

3. Fee Payment

☒ Please charge Account No. 01-0886 the sum of \$2,300.00.

☒ A duplicate of this payment is attached.

4. Authorization to Charge Any Fee Deficiency

The Commissioner is hereby authorized to charge any maintenance and/or surcharge fee deficiency that may be due on this patent to Account No. 01-0886.

Date: 3/15/05



Virginia C. Whittier

Alliance Semiconductor Corporation

2575 Augustine Drive

Santa Clara, CA 95054

408-855-4935

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7.5

The U.S. Patent Office has received on the date stamped hereon Maintenance Fee Transmittal Form, Payment of Patent Maintenance Fee Form, a Change of Correspondence Address Form and a this postcard.

Patent No: 5,612,535 Serial No: 08/654,615
Issue Date: 9-30-97 Filing Date: 5-29-96
Attorney Docket No: 6004
In the Matter of the Application of: Shrivastava, et al.
Mailed by: V.C. Whittier on 3-15-05
Signature: V.C. Whittier

The U.S. Patent Office has received on the date stamped hereon Maintenance Fee Transmittal Form, Payment of Patent Maintenance Fee Form, a Change of Correspondence Address Form and a this postcard.

Patent No: 5,612,535 Serial No: 08/654,615
Issue Date: 9-30-97 Filing Date: 5-29-96
Attorney Docket No: 6004
In the Matter of the Application of: Shrivastava, et al.
Mailed by: V.C. Whittier on 3-15-05
Signature: V.C. Whittier

MELLON MAR 19 2005



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and
return top portion with your check. Make check
payable to Director of Patents & Trademarks.

ALLIANCE SEMICONDUCTOR CORPORATION
2575 AUGUSTINE DRIVE
SANTA CLARA CA 95054

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FEB 27 2006

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Account No.	010886
Date	4-29-05
Page	1

PLEASE SEND REMITTANCES TO:
U. S. Patent and Trademark Office
P.O. Box 70541
Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
4	6	05	19	✓ 08837529	B-5800	1206	* -222.00	11538.00
4	20	05	93	✓ 6301629		1551	900.00	10638.00
4	20	05	94	✓ 6317135		1551	900.00	9738.00
4	20	05	95	✓ 6303959		1551	900.00	8838.00
*refund from 12-15-98								
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					11316.00	2700.00	222.00	8838.00